

FACT SHEET

GENERAL PERMIT FOR

READY-MIXED CONCRETE PLANTS, CONCRETE PRODUCTS PLANTS AND THEIR ASSOCIATED FACILITIES

General Permit No: G-CONC-2012-1

Federal Permit No.: KSG11NNNN (Master Permit)

State Permit No.: I-AANN-PRNN

FACILITIES COVERED: Concrete Block and Concrete Brick (SIC 3271); Concrete Products, NEC (Not Elsewhere Covered) (SIC 3272); Ready-Mix Concrete (SIC 3273).

PROPOSED ACTION: The proposed action consists of re-issuance of a Kansas/NPDES General Water Pollution Control permit for the discharges of process wastewater and stormwater from Ready-Mixed concrete plants, concrete products plants, and their associated facilities.

EXISTING PERMIT: The existing general permit expires September 30, 2012. The existing permit requires the permittee to monitor the discharge of process water from the treatment system on a quarterly basis for flow, oil and grease, total suspended solids, pH, sulfate, and chlorides. Records of the amounts and types of concrete/water treatment additives used on a monthly basis and results of the stormwater pollution prevention inspections are also required.

FACILITY DESCRIPTION: The general permit is written for discharges of process wastewater and stormwater from Ready-Mixed concrete plants, concrete products plants, and their associated facilities. These entities are required to have adequate process water pollution controls (retention structures or equivalent) and Best Management Practices as described in the Stormwater Pollution Prevention Plan (SWP2 Plan) to control uncontaminated stormwater runoff from the entity. Specific language for each facility will be added by KDHE based upon information from the permittee.

COMPLIANCE SCHEDULE: To be added for affected facilities by KDHE if needed.

RECEIVING STREAM: All streams in the state of Kansas except for those classified as Outstanding National Resource Waters to which direct discharge of wastewater is prohibited.

PROPOSED PERMIT: The proposed limits are water quality based limits pursuant to KAR 28-16-28 (b-g), best professional judgment and Federal requirements. The proposed permit retains the limits and monitoring in the current permit except the requirement to monitor use of additives has been removed from the proposed permit since over the two previous permit cycles for these facilities, there was no correlation between additives use and any identifiable pollution concern. In addition, the proposed permit changes the reporting period from annual to quarterly while maintaining the quarterly monitoring period. This change was made to increase the awareness of the permittees to the existence and requirements of the permit. During inspections, KDHE determined that changes in personnel and ownership of facilities sometimes resulted in the failure of the incoming party to be aware of and comply with the existing permit for the facility. This resulted in a number of enforcement actions being issued for “paper” violations which can be alleviated by a more timely reporting requirement.

<u>Parameter</u>	<u>Basis</u>
Flow	Kansas Surface Water Quality Standards*
Total Suspended Solids	Best Professional Judgment**
pH	EPA Secondary Treatment Regulation
Oil and Grease	Kansas Surface Water Quality Standards
Chloride	Best Professional Judgment***
Sulfate	Best Professional Judgment***

* Calculated as daily average based upon estimated monthly total discharge / no. of days in the month

** No Kansas Water Quality Criteria - defaulted to KDHE-determined level protective of designated uses

***Industry uses raw materials and products containing or forming these parameters which are state-wide environmental concerns.

303(d) LIST: Although some of the receiving streams may be on the 303d list, the small quantity of wastewater discharged by these facilities, the low level of pollutants, the type of pollutants and the areas where these facilities locate, make these facilities insignificant sources of pollution to the receiving streams. Most facilities re-use or evaporate their wastewater and so are non-overflowing systems. If it is determined that a facility is causing or has the reasonable potential to cause or contribute to an impairment of the receiving stream, the general permit will not be issued and the permittee will be required to operate as a total retention facility under a state permit (no discharge to surface waters of the state) or will be given an individual NPDES discharging permit with limits appropriate so as not to cause or contribute to the stream impairment.

Prepared By: _____
Edward Dillingham

Date: February 24, 2012

General Permit No.: G-CONC-2012-1

Kansas Permit No.: I-AANN-PRNN

Federal Permit No.: KSG11NNNN

Kansas Water Pollution Control General Permit & Authorization to Discharge

UNDER THE NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM

FOR READY-MIX CONCRETE PLANTS, CONCRETE PRODUCTS PLANTS AND THEIR ASSOCIATED FACILITIES

Pursuant to the provisions of the Federal Water Pollution Control Act, as amended, 33 U.S.C. §1251 et seq. (the "ACT"), the Kansas Water Pollution Control Statutes Annotated 65-164 and 65-165, and rules and regulations adopted thereunder,

Permittee Name: _____

Permittee Address: _____

City: _____ State: _____ ZIP: _____

Facility Name: _____

Facility Address: _____

City: _____ State: _____ ZIP: _____

Legal Description: _____

Coordinates: Latitude: _____ North Longitude: _____ West

Receiving Stream: _____

River Basin: _____

is authorized to discharge to surface waters of the State described above in accordance with the effluent limits, monitoring requirements and other conditions set forth herein.

This permit is effective _____, supersedes the previously issued Kansas water pollution control permit I-AANN-PRNN and expires on _____.

FACILITY DESCRIPTION:

[KDHE to complete based upon information from applicant]

Secretary - Kansas Department of Health and Environment

Date of Issuance

A. DISCHARGE LIMITS AND MONITORING REQUIREMENTS

Discharges shall be controlled, limited and monitored by the permittee as specified below. The discharge shall have no visible oil sheen, floating solids or visible foam in other than trace amounts.

The initial monitoring period shall begin _____ and end _____. Each standard calendar quarter thereafter shall constitute a monitoring period. **If a discharge occurs at any time during any monitoring period, the permittee shall sample and test the discharge according to the requirements in the table below.** The test results shall be transferred to a standard Discharge Monitoring Report form provided by KDHE and shall be submitted on or before the 28th day of January, April, July and October for the previous calendar quarter. If there was no discharge during the monitoring period, the permittee shall note on the Discharge Monitoring Report for that quarter "No discharge occurred during the quarter". Permittee shall notify KDHE of non-compliance with the limits provided herein according to the reporting requirements provided in the Standard Conditions, Paragraph 10. **The permittee is required to submit the Discharge Monitoring Report to KDHE by the schedule provided above even if there was no discharge during the entire monitoring period.**

<u>Effluent Parameters</u>	<u>EFFLUENT LIMITS</u>		<u>MONITORING REQUIREMENTS</u>	
	<u>Units</u>	<u>Daily Maximum/ Monthly Average</u>	<u>Sample Frequency</u>	<u>Sample Type</u>
OUTFALL 001A1 (EDMRS CODE: EFF001A1) - PROCESS WASTEWATER FROM THE POLLUTION CONTROL STRUCTURE OUTFALL				
Flow	gpd	Monitor	Monthly ⁽¹⁾	Estimate
Oil and Grease	mg/l	15	Quarterly ⁽²⁾	Grab
Total Suspended Solids (TSS)	mg/l	100	Quarterly ⁽²⁾	Grab
pH	S.U.	6.0 to 9.0	Quarterly ⁽²⁾	Grab
Sulfate	mg/l	Monitor	Quarterly ⁽²⁾	Grab
Chloride	mg/l	Monitor	Quarterly ⁽²⁾	Grab
Stormwater Runoff				
Storm Water Control Inspection		Inspection	Quarterly ⁽³⁾	Inspection Report

- (1) The flow shall be calculated as the estimated total amount of water leaving the settling basins over a calendar month divided by the number of days in that month.
- (2) Permittee is required to sample and test any discharge once during the quarter. If no discharge occurs at any time during the quarter, no sampling or testing is required.
- (3) See Supplemental Condition No. 2 and 3. Retain reports at the site.

B. SCHEDULE OF COMPLIANCE

[To be added by KDHE if required]

C. SUPPLEMENTAL CONDITIONS

1. This permit authorizes storm water discharges associated with the industrial activities at the facility. The storm water pollution prevention plan (SWP2 Plan), inspection reports, a copy of the permit and any discharge monitoring reports and any laboratory test results shall be kept at the facility site or if no office is maintained at the site, at the main office or closest affiliated field office and shall be made available for review by EPA and KDHE representatives upon request. The SWP2 Plan shall be updated as necessary to comply with state and federal requirements and reduce pollution from stormwater runoff using Best Management Practices and other controls.

C. SUPPLEMENTAL CONDITIONS (continued)

2. Quarterly Inspections: The permittee shall inspect the system of pollution controls on a quarterly basis and within 24 hours after any rainfall event which could reasonably be expected to affect the integrity of the controls. The inspection shall be adequate to verify that the site drainage conditions and potential pollution sources identified in the SWP2 Plan remain accurate, and that the best management practices prescribed in the SWP2 Plan are being implemented, properly operated and adequately maintained. An inspection report shall be completed for each inspection which shall include: the inspection date, inspection personnel, scope of the inspection, major observations, and revisions needed in the SWP2 Plan.
3. SWP2 Plan Amendments: The Plan shall be re-evaluated and modified in a timely manner, but in no case more than six weeks after:
 - A. site expansion, production increases, process modifications, changes in materials or materials handling or storage or other activities are planned which will result in significant increases in the exposure of pollutants to storm water discharged either to waters of the state or to storm water treatment devices. The amendment shall contain a description of the new activities that contribute to the increased pollutant loading, planned source control activities that will be used to control pollutant loads, an estimate of the new or increased discharge of pollutants following treatment and, when appropriate, a description of the effect of the new or increased discharge on existing storm water treatment facilities;
 - B. the permittee's inspections indicate deficiencies in the SWP2 Plan or in any BMP requiring the BMP to be significantly changed or upgraded;
 - C. a visual inspection of contributing areas or a visual inspection of the storm water discharges or monitoring of the storm water discharges indicate the Plan appears to be ineffective in eliminating or significantly minimizing pollutants from the facility;
 - D. written notice that the Department finds the SWP2 Plan to be deficient or storm water controls to be ineffective in achieving compliance with this permit, Kansas or Federal law.
4. The permittee is required to have settling / equalization basin(s) meeting or equivalent to the criteria provided on page 3 of the instructions for the Notice of Intent (permit application) under the "Provisions for Construction of Settling / Equalization Basins" as found on the KDHE website at www.kdheks.gov/water/tech.html or available by telephone at 785.296.5506.
5. This permit does not authorize the discharge of boiler cleaning wastes to waters of the State. This activity needs a separate permit.
6. Facility Relocation:

Permanent Plants: Permittees relocating the facility covered under this general permit to another site must submit a Notice of Permit Termination to terminate this permit, a Notice of Intent to apply for a new general permit at the new location and a construction stormwater general permit if the facility is to continue to operate in the State of Kansas.

Portable Plants: Permittees operating a portable plant under a portable plant permit shall notify the KDHE, in writing, within 10 days of relocation of the plant and shall implement an appropriate construction stormwater pollution prevention plan for the new site prior to or as part of the initial site soil disturbance activities. A plant relocation form and details of an appropriate construction stormwater pollution prevention plan are available at www.kdheks.gov/water/tech.html or available by telephone at 785.296.5506.

C. SUPPLEMENTAL CONDITIONS (continued)

7. Issuance of this permit does not relieve the permittee of any responsibility to satisfy any requirements the Kansas Department of Agriculture - Division of Water Resources, Kansas Department of Wildlife, Parks and Tourism, the Kansas Historical Society, the Kansas Department of Transportation or any local, city, county, state or federal government agency may have regarding the facility.
8. Termination of Permit: A Notice of Permit Termination form can be downloaded from the KDHE website at www.kdheks.gov/water/tech.html.
9. Transferring the Permit: This permit can be transferred to a new permit holder using the Permit Transfer Request form from the KDHE website at www.kdheks.gov/water/tech.html.
10. Abandonment and Closure of Wastewater Retention Basin(s):
 - A. Permittee shall properly maintain the water pollution control structures and keep the permit active until the structures are properly abandoned and the permit terminated.
 - B. Water pollution control structures shall be considered abandoned and shall be properly closed if not used for five years, not properly maintained or if the permit is allowed to become inactive by failure to pay the annual permit fee when due or failure to apply for a permit renewal via the Notice of Intent prior to the permit expiring.
 - C. Permittee shall properly abandon the water pollution control structures according to the procedures provided below.
 - (1) Remove fences and above ground structures around the control structure.
 - (2) Dispose of the water by irrigation on the facility property or road / facility area for dust suppression, re-use, etc. Permittee shall ensure there is no run off of the wastewater beyond the facility boundaries.
 - (3) Unless otherwise required by contract or other legal requirements, permittee may push any concrete walls, asphalt aprons or plastic liners into the bottom of the basin. Cover the debris with at least 24 inches of clean soil. Grade the filled area to its original contours to minimize water accumulation (ponding). Reseed the disturbed area with grass to minimize soil erosion.
 - (4) After completion of the pond closure, inform the appropriate KDHE district office so a post closure inspection can be performed. Locations of the KDHE district offices can be found at www.kdheks.gov/directions/index.html or by calling 785.296.5506.

STANDARD CONDITIONS FOR
KANSAS WATER POLLUTION CONTROL AND
NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM PERMITS

1. Representative Sampling and Discharge Monitoring Report Submittals:

- A. Samples and measurements taken as required herein shall be representative of the quality and quantity of the monitored discharge. Test results shall be recorded for the day the samples were taken. If sampling for a parameter was conducted across more than one calendar day, the test results may be recorded for the day sampling was started or ended. All samples shall be taken at the locations designated in this permit, and unless specified, at the outfall/monitoring location(s) before the wastewater joins or is diluted by any other water or substance.
- B. Monitoring results shall be recorded and reported on forms acceptable to the Division and postmarked no later than the 28th day of the month following the completed reporting period. Signed and certified copies of these, prepared in accordance with KAR 28-16-59, and all other reports required herein, may be FAXed to 785.296.0086, e-mailed as scanned attachments to dmr4kdhe@kdheks.gov, or sent by U.S. mail to:

Kansas Department of Health & Environment
Bureau of Water-Technical Services Section
1000 SW Jackson Street, Suite 420
Topeka, KS 66612-1367

2. Definitions:

- A. Unless otherwise specifically defined in this permit, the following definitions apply:
1. The "Daily Maximum" is the total discharge by weight or average concentration, measurement taken, or value calculated during a 24-hour period. The parameter, pH, is limited as a range between and including the values shown.
 2. The "Weekly Average" is the arithmetic mean of the value of test results from samples collected, measurements taken or values calculated during four monitoring periods in each month consisting of calendar days 1-7, 8-14, 15-21 and 22 through the end of the month.
 3. The "Monthly Average", other than for E. coli bacteria, is the arithmetic mean of the value of test results from samples collected, measurements taken or values calculated during a calendar month. The monthly average is determined by the summation of all calculated values or measured test results divided by the number of calculated values or test results reported for that parameter during the calendar month. The monthly average for E. coli bacteria is the geometric average of the value of the test results from samples collected in a calendar month. The geometric average can be calculated by using a scientific calculator to multiply all the E. coli test results together and then taking the nth root of the product where n is the number of test results. Non-detect values shall be reported using the less than symbol (<) and the minimum detection or reportable value. To calculate average values, non-detects shall be defaulted to zero (or one for geometric averages). Greater than values shall be reported using the greater than symbol (>) and the reported value. To calculate average values, the greater than reported value shall be used in the averaging calculation.
- B. A "grab sample" is an individual sample collected in less than 15 minutes. A "composite sample" is a combination of individual samples in which the volume of each individual sample is proportional to the flow, or the sample frequency is proportioned to the flow rate over the sample period, or the sample frequency is proportional to time.
- C. The terms "Director", "Division", and "Department" refer to the Director, Division of Environment, Kansas Department of Health and Environment, respectively.

- D. "Severe property damage" means substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of an in-plant diversion. Severe property damage does not mean economic loss caused by delays in production.
- E. "Bypass" means the intentional diversion of waste streams from any portion of the treatment facility.
3. Schedule of Compliance: No later than 14 calendar days following each date identified in the "Schedule of Compliance," the permittee shall submit via mail, e-mail or fax per paragraph 1.B above, either a report of progress or, in the case of specific action being required by identified dates, a written notice of compliance or noncompliance. In the latter case, the notice shall include the cause of noncompliance, any remedial actions taken, and the probability of meeting the next scheduled requirements, or, if there are no more scheduled requirements, when such noncompliance will be corrected.
4. Test Procedures: All analyses required by this permit shall conform to the requirements of 40 CFR Part 136, unless otherwise specified, and shall be conducted in a laboratory accredited by the Department. For each measurement or sample, the permittee shall record the exact place, date, and time of measuring/sampling; the date and time of the analyses, the analytical techniques or methods used, minimum detection or reportable level, and the individual(s) who performed the measuring/sampling and analysis and, the results. If the permittee monitors any pollutant at the location(s) designated herein more frequently than required by this permit, using approved procedures, the results shall be included in the Discharge Monitoring Report form required in 1.B. above. Such increased frequencies shall also be indicated.
5. Change in Discharge: All discharges authorized herein shall be consistent with the permit requirements. The discharge of any pollutant not authorized by this permit or of any pollutant identified in this permit more frequently than or at a level in excess of that authorized shall constitute a violation of this permit. Any anticipated facility expansions, production or flow increases, or production or wastewater treatment system modifications which result in a new, different, or increased discharge of pollutants shall be reported to the Division at least one hundred eighty (180) days before such change.
6. Facilities Operation: The permittee shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the permittee to achieve compliance with the requirements of this permit and Kansas and Federal law. Proper operation and maintenance also include adequate laboratory controls and appropriate quality assurance procedures. This provision requires the operation of back-up or auxiliary facilities or similar systems which are installed by a permittee only when the operation is necessary to achieve compliance with the requirements of this permit. The permittee shall take all necessary steps to minimize or prevent any adverse impact to human health or the environment resulting from noncompliance with any effluent limits specified in this permit, including such accelerated or additional monitoring as necessary to determine the nature and impact of the noncomplying discharge. When necessary to maintain compliance with the permit requirements, the permittee shall halt or reduce those activities under its control which generate wastewater routed to this facility.
7. Incidents:
- "Collection System Diversion" means the diversion of wastewater from any portion of the collection system.
- "In-Plant Diversion" means routing the wastewater around any treatment unit in the treatment facility through which it would normally flow.
- "In-Plant Flow Through" means an incident in which the wastewater continues to be routed through the equipment even though full treatment is not being accomplished because of equipment failure for any reason.
- "Spill" means any discharge of wastewater, sludge or other materials from the treatment facility other than effluent or as more specifically described by other "Incidents" terms.
- "Upset" means an exceptional incident in which there is unintentional and temporary noncompliance or anticipated noncompliance with permit effluent limits because of factors beyond the reasonable control of the permittee, as described by 40 C.F.R. 122.41(n).
8. Diversions not Exceeding Limits: The permittee may allow any diversion to occur which does not cause

effluent limits to be exceeded, but only if it also is for essential maintenance to assure efficient operation. Such diversions are not subject to the Incident Reporting requirements shown below.

9. **Prohibition of an In-Plant Diversion:** Any in-plant diversion from facilities necessary to maintain compliance with this permit is prohibited, except: (a) where the in-plant diversion was unavoidable to prevent loss of life, personal injury, or severe property damage; (b) where there were no feasible alternatives to the in-plant diversion, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime and (c) the permittee submitted a notice as required in the Incident Reporting paragraph below. The Director may approve an anticipated in-plant diversion, after considering its adverse effects, if the Director determines that it will meet the three conditions listed above.
10. **Incident Reporting:** The permittee shall report any unanticipated collection system diversion, in-plant diversion, in-plant flow through occurrences, spill, upset or any violation of a permitted daily maximum limit within 24 hours from the time the permittee became aware of the incident. A written submission shall be provided within 5 days of the time the permittee became aware of the incident. The written submission shall contain a description of the noncompliance and its cause, the period of noncompliance, including exact dates and times; and if the noncompliance has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent recurrence of the noncompliance. An Incident Report form is available at www.kdheks.gov/water/tech.html.

For an anticipated incident or any planned changes or activities in the permitted facility that may result in noncompliance with the permit requirements, the permittee shall submit written notice, if possible, at least ten days before the date of the event.

For other noncompliance, the above information shall be provided with the next Discharge Monitoring Report.
11. **Removed Substances:** Solids, sludges, filter backwash, or other pollutants removed in the course of treatment of water shall be utilized or disposed of in a manner acceptable to the Division.
12. **Power Failures:** The permittee shall provide an alternative power source sufficient to operate the wastewater control facilities or otherwise control pollution and all discharges upon the loss of the primary source of power to the wastewater control facilities.
13. **Right of Entry:** The permittee shall allow authorized representatives of the Division of Environment or the Environmental Protection Agency upon the presentation of credentials, to enter upon the permittee's premises where an effluent source is located, or in which are located any records required by this permit, and at reasonable times, to have access to and copy any records required by this permit, to inspect any facilities, monitoring equipment or monitoring method required in this permit, and to sample any influents to, discharges from or materials in the wastewater facilities.
14. **Transfer of Ownership:** The permittee shall notify the succeeding owner or controlling person of the existence of this permit by certified letter, a copy of which shall be forwarded to the Division. The succeeding owner shall secure a new permit. This permit is not transferable to any person except after notice and approval by the Director. The Director may require modification or revocation and reissuance of the permit to change the name of the permittee and incorporate such other requirements as may be necessary.
15. **Records Retention:** Unless otherwise specified, all records and information resulting from the monitoring activities required by this permit, including all records of analyses and calibration and maintenance of instruments and recordings from continuous monitoring instruments, shall be retained for a minimum of 3 years, or longer if requested by the Division. Biosolids/sludge records and information are required to be kept for a minimum of 5 years, or longer if requested by the Division. Groundwater monitoring data, including background samples results, shall be kept for the life of the facility regardless of ownership.

16. Availability of Records: Except for data determined to be confidential under 33 USC Section 1318, all reports prepared in accordance with the terms of this permit shall be available for public inspection at the offices of the Department. Effluent data shall not be considered confidential. Knowingly making any false statement on any such report or tampering with equipment to falsify data may result in the imposition of criminal penalties as provided for in 33 USC Section 1319 and KSA 65-170c.
17. Permit Modifications and Terminations: As provided by KAR 28-16-62, after notice and opportunity for a hearing, this permit may be modified, suspended or revoked or terminated in whole or in part during its term for cause as provided, but not limited to those set forth in KAR 28-16-62 and KAR 28-16-28b through g. The permittee shall furnish to the Director, within a reasonable amount of time, any information which the Director may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this permit or to determine compliance with this permit. The permittee shall also furnish upon request, copies of all records required to be kept by this permit. The filing of a request by the permittee for a permit modification, revocation and reissuance, or termination, or a notification of planned changes or anticipated noncompliance does not stay any permit condition.
18. Toxic Pollutants: Notwithstanding paragraph 17 above, if a toxic effluent standard or prohibition (including any schedule of compliance specified at such effluent standards) is established under 33 USC Section 1317(a) for a toxic pollutant which is present in the discharge and such standard or prohibition is more stringent than any limitation for such pollutant in this permit, this permit shall be revised or modified in accordance with the toxic effluent standard or prohibition. Nothing in this permit relieves the permittee from complying with federal toxic effluent standards as promulgated pursuant to 33 USC Section 1317.
19. Administrative, Civil and Criminal Liability: The permittee shall comply with all requirements of this permit. Except as authorized in paragraph 9 above, nothing in this permit shall be construed to relieve the permittee from administrative, civil or criminal penalties for noncompliance as provided for in KSA 65-161 et seq., and 33 USC Section 1319.
20. Oil and Hazardous Substance Liability: Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities or penalties to which the permittee is or may be subject to under 33 USC Section 1321 or KSA 65-164 et seq. A municipal permittee shall promptly notify the Division by telephone upon discovering crude oil or any petroleum derivative in its sewer system or wastewater treatment facilities.
21. Industrial Users: A municipal permittee shall require any industrial user of the treatment works to comply with 33 USC Section 1317, 1318 and any industrial user of storm sewers to comply with 33 USC Section 1308.
22. Property Rights: The issuance of this permit does not convey any property rights in either real or personal property, or any exclusive privileges, nor does it authorize any injury to private property or any invasion of personal rights nor any infringements of or violation of federal, state or local laws or regulations.
23. Operator Certification: The permittee shall, if required, ensure the wastewater facilities are under the supervision of an operator certified by the Department. If the permittee does not have a certified operator or loses its certified operator, appropriate steps shall be taken to obtain a certified operator as required by KAR 28-16-30 et seq.
24. Severability: The provisions of this permit are severable. If any provision of this permit or any circumstance is held invalid, the application of such provision to other circumstances and the remainder of the permit shall not be affected thereby.
25. Removal from Service: The permittee shall inform the Division at least three months before a pumping station, treatment unit, or any other part of the treatment facility permitted by this permit is to be removed from service and shall make arrangements acceptable to the Division to decommission the facility or part of the facility being removed from service such that the public health and waters of the state are protected.
26. Duty to Reapply: A permit holder wishing to continue any activity regulated by this permit after the expiration date, must apply for a new permit at least 180 days prior to expiration of the permit.